REMARKS

Favorable reconsideration and allowance of the present application are respectfully requested in view of the foregoing amendments and the following remarks.

Claims 1-30 are pending in this application, including independent claims 1 and 22. Independent claim 1, for instance, is directed to a method for reducing odor that includes forming a coordination complex between a transition metal and a polydentate compound and contacting the coordination complex with an odorous compound, the transition metal providing one or more active sites for capturing the odorous compound. Claims 30-59 have been withdrawn in to response to an earlier Restriction Requirement.

In the Office Action, independent claim 1 was rejected under 35 U.S.C. § 102(b) as being anticipated by Mayer (WO 00/29036). Mayer is directed to a composition for coloring keratin fibers, and more particularly human hair. Nonetheless, it was stated in the Office Action that the method for reducing odor of the presently pending claims is inherent in Mayer.

Applicants respectfully disagree that the composition of Mayer anticipates the presently pending claims, and do not believe that the Examiner has met the burden of establishing a *prima facie* case of anticipation. Mayer completely fails to mention or even suggest a method for reducing odor as required by the presently pending claims. Nor does Mayer mention or even suggest any type of odorous compound or active sites for capturing such an odorous compound as also required by the presently pending claims. To establish *prima facie* anticipation of a claimed invention, all the claim limitations must be taught in the prior art. The Office Action seems to admit that Mayer

fails to specifically and explicitly disclose certain limitations of the presently pending claims. However, the Office Action states that such limitations are inherent in the referenced composition. Inherency may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." MPEP § 2163.07(a). Nowhere does Mayer disclose or even suggest a method for reducing odor, let alone contacting a coordination complex with an odorous compound or one or more active sites for capturing such an odorous compound.

In addition, the Office Action states that:

> [T]he intended use of the claimed composition does not patentably distinguish the composition, per se, since such undisclosed use is inherent in the reference composition. In order to be limiting, the intended use must create a structural difference between the claimed composition and the prior art composition.

Page 3. However, the claims are directed to a *method* for reducing odor. As such, it is respectfully submitted that the presently pending claims patentably define over Mayer.

Claims 1-3, 5, 8-11, 13, and 17-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Stoddard et al. (EP 1214878). Stoddard et al. is directed to methods, compositions, and articles utilizing urease inhibitor complexes to minimize urease-promoted degradation of urea. It is respectfully submitted, however, that Stoddard et al. does not describe a transition metal providing one or more active sites for capturing an odorous compound, as required by the presently pending claims.

In this regard, the mechanism for odor production from urine as described in Stoddard et al. is instructive.

> Fresh urine, in fact, does not smell. However, aged urine malodor results when the urea in urine is degraded by urease enzyme which may also be present in the urine via contamination or present in environments into which the urine has been introduced. Breakdown of urea by urease enzyme results in the production of ammonia and carbon dioxide. It is the perception of the ammonia smell which people associate with urine malodor.

Para. [0003]

Stoddard et al. describes chelated metal complexes useful as urease inhibitors so as to prevent the formation of odor causing ammonia. Heavy metal ions are reacted with a chelating agent to form metal coordination complexes which function as urease inhibitors. Para. [0010]. "Upon chelation, there should be at least one additional coordination site remaining within the complex for binding with urease." Id. Thus, Stoddard et al. describes a compound with a site for binding urease. Ammonia, not urease, is the odorous compound which people associate with urine malodor. Therefore, it is respectfully submitted that Stoddard et al. does not teach or suggest providing one or more active sites for capturing an odorous compound, as required by the presently pending claims. As such, the presently pending claims are believed to patentably define over Stoddard et al.

Claims 1-12, 17-26, 29, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Forestier et al. (U.S. Patent No. 6,001,342*) in view of Stoddart et al. (EP 1214878) and Sebag et al. (U.S. Patent No. 4,275,054). In the Office Action, it was stated that Forestier et al. describes a deodorant composition comprising at least one dendrimer bearing a primary amine group and that such deodorant compositions can

* Applicants believe that due to a typographical error, the Office Action mistakenly identifies the Forestier et al. reference as being U.S. Patent No. 5,547,676.

also contain active agents such as zinc salts. Nonetheless, it is respectfully submitted that Forestier et al. does not describe forming a coordination complex between a transition metal and a polydentate compound as required by the presently pending claims.

Forestier et al. indicates that dendrimers can be selected from polyethyleneimines and polypropyleneimines. However, Forestier et al. does not disclose that such dendrimers can form a coordination complex with transition metals. Forestier et al. explicitly teaches away from formation of such a coordination complex by stating that the amine functions in the dendrimer are preferably neutralized "for better tolerance by the skin" and also for "better efficacy for inhibiting the development of odors." Col. 4, lines 5-9. While, water-soluble zinc salts are described as one potential standard deodorant active agent, nowhere does Forestier et al. describe forming a coordination complex between such standard deodorant active agents and the dendrimers described. Indeed, the deodorant active agents are described as being utilized in addition to the dendrimers. Col. 4, lines 19-22. As such, it is respectfully submitted that Forestier et al. does not teach or suggest forming a coordination complex between a transition metal and a polydentate compound as required by the presently pending claims. Neither Stoddart et al. or Sebag et al. correct the deficiencies of Forestier et al. Therefore, the presently pending claims are believed to patentably define over the cited references.

Claims 1, 13-16, 27, 28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Forestier et al. (U.S. Patent No. 6,001,342) in view of Stoddart et al. (EP 1214878) and Connolly (U.S. Patent No. 5,120,693). However, Conolly does not

correct the deficiencies of Forestier et al. or Stoddart et al. that are discussed in more detail above. As such, it is believed that the presently pending claims patentably define over the cited references.

For at least the reasons discussed above, Applicant respectfully submits that the present application is in complete condition for allowance, and favorable action, therefore, is respectfully requested. Should any issues remain after consideration of this amendment, then Examiner Arnold is invited and encouraged to telephone the undersigned at his convenience.

Respectfully submitted,

July 21, 2006

Neil M. Batavia
Registration No. 54,599

DORITY & MANNING, P.A.
P.O. Box 1449
Greenville, SC 29602
(864) 271-1592
(864) 233-7342